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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,180	09/27/2001	Marcel B. Manzardo	2001P17794US	3046

7590

01/13/2006

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

MEKY, MOUSTAFA M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/965,180	Applicant(s) MANZARDO, MARCEL B.	
	Examiner Moustafa M. Meky	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 and 23-26 is/are allowed.
- 6) ☒ Claim(s) 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2157

1. The amendment filed 9/15/2005 has been entered and considered by the examiner.
2. Claims 1-26 are presenting for examination.
3. Claims 1-16, 23-26 are allowed over the prior art of record.
- 3.1. The prior art of record does not teach:
 - requesting current call state information from client connection device and updating a call state information resource based on the current call state information received from the client connection device (claims 1 & 23 & 25);
 - requesting client connection device reset an active call to a designated call state and creating a call state information resource based at least part on the designated call state (claims 13 & 24 & 26); and
 - receiving a request for current call state information from the stand-by server and providing the current call state information to the stand-by server to conduct the call (claim 8).
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
5. Claims 17-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Blum (US Pat. No. 5,974,114).

6. As to claims 17 & 21, Blum shows in Figs 1-3, a method for allowing a client connection device 7 (Fig 1) to switch between a main server 14 (Fig 2) and stand-by server 20 (Fig 2) comprising:

- conducting a call via a connection with a main server 14 (Fig 2), see col 11, lines 37-47;
- dropping the connection to the main server 14, see col 12, lines 54-67, col 13, lines 1-4;
- establishing a connection with a stand-by server 20 (Fig 2) to replace the main server 14, see col 12, lines 54-67, col 13, lines 1-4;
- receiving a request (message) initiated by the stand-by server 20 to reset the call to a designated call state, see col 12, lines 66-67, col 13, lines 1-4; and
- resetting the call to the designated call state, see col 12, lines 66-67, col 13, lines 1-4.

7. As to claims 18, maintaining call while dropping the connection to the main server 14, see col 13, lines 2-4.

8. As to claims 19-20, detecting lack of signal initiated, wherein reception of the signal is indicative of availability of the main server, see col 7, lines 32-33, lines 55-56, col 16, lines 63-67, col 17, lines 1-9, col 32, lines 6-7 & lines 63-64.

9. As to claim 22, establishing a connection with a stand-by server 20 to support the call includes maintaining the call, see col 13, lines 1-4.

Therefore, it can be seen from paragraphs 6-9 that Blum anticipates claims 17-22.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M. Meky whose telephone number is 571-272-4005. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MMM
1/9/2006



MOUSTAFA M. MEKY
PATENT EXAMINER